THE GREAT SCANDAL CASE.

What We Shall Probably Read Twenty-Pive Years from Now.

A CASE THAT WILL NEVER END.

The Herald Report of February 13, 1900, Anticipated.

What Will Become of Judge, Jury, Counsel, Parties and All?

From the New York Herald, of Feb. 13, 1900.] The great trial of Theodore Tilton against Henry Ward Beecher, in an action for damages, yesterday entered upon its 6,572d day. His Judge Nellson, was promptly on the bench at ten o'clock, looking fresh after his vacation, his white salve and venerable appearance making a fine impression upon the audience as a picture of majesty and justice in old age. There was some delay before the counsel made their appearance. Mr. Evarts having been detained by an accident which happened to the Rapid Transit Steam Tramsridge. Mr. Beach, who shows remarkable clasnoity for his years, came into court accompanied by his great grandson, Theodore Tilton Beach, who has recently been admitted to the bar. me the stairs, but as he took his seat at the counel's table the fire in his eye and the clearness of his voice showed undiminished vigor. The venerable Mr. Shearman was early on hand, his usual grandson, Henry Ward Beecher Shearman, a bright young man, whose recent conduct of the Brening Post has made him a great reputation. The venerable plaintiff was, as he has been for twenty-five years, punctually in attendance, and ook his seat near his counsel's table, surrounded by his children and his grandchildren, the eldest whem, Francis D. Moulton Tilton, is the celebrated comedian now performing a successful engagement at the Park Theatre as Charles Sura in "The School for Scandal." Mr. Tilton hears bis years well. His white tresses were combed with a closely-buttoned vest. His eye had all its gathered on his brow and around his firm line and his full, bushy beard, he was the same Theodore for the battle and the storm." He was attended by his friend, the Rev. Francis D. Moulton, D. D., astor of the Ebenezer Methodist Episcopal church celored), of Twenty-second avenue, Brooklyn. The Rev. Dr. Moulton, who experienced religion in the great revival of 1887 and entered the ministry, by his philanthropic efforts to alleviate the condiof the colored race, which have brought him the benisons of the faithful and the felicitations of the religious. He was congratulated by the counsel brilliant speech at Cooper Institute in favor of the admission of Hayti as a State. Dr. Moulton the counsel for the plaintiff, whose tall form and gray, flowing hair made him conspicuous. General Pryor's grandson, Colonel George Washington Pryor, in full cavalry uniform, accompanied his the sitting. Shortly after the Judge took his seat the venerable defendant entered, his wire leaning on his arm. Mr. Beecher bears his ninety years well. He was assisted to his seat by Mr. Shearman and his grandson, and, after being belped of with his overcoat and gloves, laying aside his gold headed cane and puting on his spectacles, he entered into a lively sonversation, expressing his thanks for the complements he received on his last Sunday's sermon upon Urlab, the Hittite. The fears entertained that the secessions from Plymouth church to Mr. Timon's Church of Grace, Mercy and Peace would injure the nest named pastor's popularity and use mess have not been realized, for, as Mr. Beecher mformed our reporter, with a twinkle in his eye, "There have been more pews sold since those beterodox follows went over to Theodore's church than at any time in the history of my church. The Rev. Henry C. Bowen, of the Church of the Orucifixion, shortly after entered court and took his seat about half way between the plaintif and the defendant. The Rev. F. B. Carpenter, well known in his earlier years as an artist, now the

Mr. Evarts was assisted into the court room by his son-in-law, the venerable C. C. Beaman, and his grandsons, Thurlow Weed Evarts and Andrew Johnson Evarts, the well known members of the The Illustrious ex-President was treated with great respect by both the defendant and the tention, saving, as he took his seat, that he was glad to see him able to join in the case e-day. Mr. Evarts thanked His Honor for his kind remembrance, and remarked that since his retirement from the Presidency he had never enjoyed better health. Judge Porter came into the court room in an armchair carried by four stalwart negroes, and was with difficulty assisted to a seat. General Tracy, accompanied by his son, Henry Ward Beecher Tracy, and showing all the marks of a ruddy, vigorous old age, came in at this time, and was shortly followed by the patriarchal Judge Morris, whose dowing locks and flerce demeaner bore little trace of his recent

paster of the Church of the Divine Harmonies and

Beetive Affinities, in which he succeeded Dr.

Rev. Samuel Wilkeson, D. D., Catholic Bishop of

Puget Sound. During the day the court room was

Pearce, Surrogate Veeder, W. C. Traphagen and

Ira Shafer, all on crutches and wearing spectacles.

ated by W. C. Rigsby, Billy Fowler, James P.

The jury tottered in slowly and took their seats. but before proceeding with the case General Tracy, who arose with great difficulty, said that he had a petition in his hand which he would like present to His Honor, a proceeding in which was happy to say he had obtained the consent of his learned associates on both sides.

"As Your Honor well knows," he said, "for the lest eleven years seven of the jurors have been in the Brooklyn Almshouse, one of them having been removed under the care of a learned physician for a disease of the brain, which had not yet quite pronounced itself. As Your Honor knows, the denands of this case have been of such a character that these gentlemen have all gone into bankruptcy, their business has vanished, they have lost all means of livelihood, and are compelled. with their families, to accept the gracious bounts that with due consideration for the rights of the jurymen and a vigorous determination to uphold majesty of the law, you issued an order that meat should be given to the jury-men at least once a day, and that they should have certain privileges not generally awarded to the inmates of the institutions of charity. Now, it is my painful duty to inform Your Honor that since the advent of the Ring into Mce great frauds have been committed, and it has been discovered that the inmates of that shouse have been shamefully robbed, and our intelligent and patient jurymen are permitted meat only twice a week, while two of them, who find pork and beans necessary for intelligent conideration of the case, have been, in defiance of Your Honor's order, deprived of their beans! I now ask Your Honor for an order to show cause why the officers of the Brooklyn Almshouse should not be compelled to appear before this Court to

answer for contempt. General Pryor, who rose slowly and leaned neavily on his cane, but spoke with a voice of rele strength considering his years, said that he was glad to concur with the observations of his learned antagonist about the effect of deprivwas seen from recent discussions in Engiand, had had seen Mr. Bowen and Mr. Tilton both a_terrible effect poon the intellect of a jury- enter the ministry. But as His Honor the arrests until Sunday, and as the men were

man. General Pryor read from Professor Liebig's "History of the Samitary Condition of the Human Frame" and from Professor Cochon de Féverole's treatise in support of his proposition, and con-tinued by citing many other authorities to prove that nothing could be more a contempt of Court than this insidious effort to deprive the jurymen of what was necessary to their happiness and the proper consideration of the case. "For, in this land of liberty," he eloquently continued, "any attempt on the part of these stipendiaries of Cæsarism, these janissaries of the military power, these brigands of the Brooklyn Ring, to interiere with the normal rights of the jurymen, should be crushed." There was a burst of applause, which the Judge sternly checked, reminding the audience that this was a case requiring serious consideration and that such trifling could not be permitted. His Honor granted the order to show cause, returnable on Wednesday next. Mr. Tilton then took the stand and Mr. Evarts resumed the cross-

Mr. Evarts-I will now ask you if you wrote this. (Handing a paper.)

Mr. Tilton-No, sir; my hand wrote it. (Laugh-

Mr. Evarts-I ask that the last section of this answer be stricken out.

Mr. Beach objected, and said his learned antag-

onist was losing the precious time of the Court and that the witness was entitled to be precise in

Mr. Fullerton reminded the Court that people had written with their toes, and that it was necessary for a witness to explain what he meant when he said he wrote an article-whether with his hands or his toes.

Judge Neilson admitted the question and Mr. Evarts took an exception. Mr. Evarts-Mr. Tilton, please listen while I read

these lines, and see if you recognize them :-I had a mother-in-law,
Who once was delorinate,
But she tore my flowing hair
And scratched my features lai
With iron paw.

Mr. Tilton-They are from my poem "Lord Beel zebub's Musings," published in the old New York

Mr. Evarts said he had quite forgotten that such a paper had ever existed. Now will you tell the jury if these lines had any reference to your do mestic life in Brooklyn? Mr. Tilton-My impression is they did; I am cer-

Mr. Tilton-No, I am certain. Mr. Evarts-Weil, if you are certain you are sure. I hope you are sure you are certain.

Judge Neilson—I hope the learned counsel will

proceed with the inquiry.

Mr. Tilton—I am willing to swear on my solemn oath that these lines referred to my mother-inlaw.
Mr. Evarts—And by "iron paw" do you mean

the poker or the shovel? Mr. Fullerton asked the pertinence of this dis

The Judge thought it was most important for the interests of society that the distinction should be made. A poker and a shovel were quite different; for the poker might be used as a weapon of affection, while no one could ever say that a shovel

Judge Porter coincided with the views of the learned Judge, and said the only case in which Snakespeare, the divine bard of Avon, introduced the shovel was certainly not as an instrument of affection; for Hamlet spoke of being knocked about the pate with a shovel, and he had no doubt the same thought was present in the mind of the witness when he made this poem.

General Pryor called the attention of his learned antagonist to the lact that even in Shakespeare that in "Romeo and Juliet." the fact that Pris. Laurence was seen coming with a spade from the scene of the tragedy was cause for serious suspi-

tleman regarded a shovel and a spade as similar; that Hamlet expresses and "shovel," while Romeo

The Judge said this was a question for the jury, but for the purposes of this case it was proper to ask the witness his exact meaning. Mr. Tilton answered that he meant the poker.

The Judge sternly rebuked this levity and said a poker was not to be laughed at. The witness thanked the Judge for this observation, and said he had often said as much when occasion served.

Mr. Evaris-I will now read further:-I lived in a boarding hall, But when I frankly said That I had ne'er a red, She drove me from my bed And board and ail.

Is this in any way an actual transcript of your

with Mr. Beecher? Mr. Tilton said that he had used some poetic license in describing this incident. His idea was to represent a proud man, who had had a lofty name, but whose crown was tore down and trampled in the mire, and reduced to submit to the

contumely of an ingenious boarding house keeper. Waen the witness spoke taese words the tears came into his eyes, and he glared at his antagonist, who sat writing in a little book, with the purple blood mantting into his brow and covering it with blotches. Mrs. Beecher, with a diaphanous smile stealing over her features, and a sphinxlike look, gazed sarcastically at the plaintiff. Judge Pullerton twirled his eyeglasses in an impressive manner, while Mr. Evarts stood stiffly erect, his lips compressed, his thin, wrinkled cheeks and overhanging brow, marked with stern decision, growing paler and paler. A thin ray of light stol in the windows, and our reporter, upon looking up, found everybody in tears. He also burst into

Mr. Evarts, reading :-

Is that an exact transcript of your experience Mr. Tilton-I am not certain that I wrote those

ines, but they sound very much like my style.

Mr. Evarts—Will you tell the jury who is meant by the tiger in this verse?

Mr. Tilton-I don't remember. Mr. Everts-You must have meant somebody:

Mr. Tilton-Never: I mean to drive him from Brooklyn and from Plymouth church. Mr. Everts-So it seems; but aid you mean Mrs.

Beecher?

Mr. Evarts-Perhaps it was your mother-in-law? Mr. Fullerton-Do not answer that question. If Your Honor please, we object to this line of examination. We are anxious to come to a result. We are all advancing in years. Great changes have taken place since this suit began. One by one all the parties have undergone religious experiences. We saw our friend Mouiton locked up in an insane asylum under a hallucination that he was a negro minstrel and coming out perfectly restored, and now an honored pastor of a colored caurch. We saw Mr. Wilkeson, when his "Life of Christ" made an ascending venture, enter the Catholic Church as a monk of the Benedictine Order, and now a Bishop in the Oregon regions of the Pacific, We saw Brooklyn Joe Howard join the Latter Day We saw Mr. Carpenter, so much under the innuence of the parties to the scandal that he threw aside brushes and palettes and became the suc cessor of Frothingham in the Church of the Elective Affinities. He might say that most of the counsel had been only prevented by their duty from yielding to this temptation. Before this example became contagious a line should be drawn. For this reason, therefore, he objected to this line

of miscellaneous examination.
General Tracy admitted the changes that had taken place in twenty-five years. They had seen Mr. Evarts enter upon the Presidency; but so much lascinated was he with the case that upon retiring from that lofty station he resumed his place at its head. They had seen Judge Pullerton fulfil the Evarts with great zeal, but unable to resist the ing the jury of beans. The deprivation of beans, as | impulse which drew him back to the case. They

so elegantly remarked about eleven years went into it the less you knew and the more you wanted to know. It had become one of the institutions of the country. Aiready a second generation of lawyers had come into it; and we, Your Honor, judge, jury, counsel, parties contesting and all, we must feel that our time must neverdie. It is too precious a possession to pass away, and I pray Your Honor not to allow the impatience of heedless counsel to interiere with its natural bie.

Jugge Neilson decided that Mr. Tilton must answer the question.

Mr. Tilton-I did not refer to my mother-in-law, but to my attorneys.

Mr. Evarts—Under your oath you say that your

counsel are personized as the tiger.

Mr. Titton—I do. 1 am justified in saying that once take hold of a lawyer and a case, and there

will be no letting go.

wandering from the subject.

Mr. Evarts did not know but that it was, and so would proceed to another branch of the subject

(Reading:) -

Now I am all bereft
Like a cut with kittens eight,
Which, by a crue! site,
Finds when, ains! too late,
That pens are but.
Now, Mr. Tilton, will you tell the jury whether this—an illustration—is a metaphor, or in any way a transcript of some event or incident or circumstance, or happening, or remembrance of your personal or domestic life ?

Mr. Titton said he could not remember. This verse he did not quite understand; but the value of true poetry is that you cannot always understand it.

Mr. Evarts said he was willing to leave it to the jury. He then called the Judge's attention to the hour for recess.

Mr. Fullerton asked for a day's adjournment to go to Albany to argue an appeal from the sen-tence of Tweed, who on a new trial had been sentenced to 300 years' imprisonment, for a misde-meanor, on 300 counts of an indictment. The Court said it would consider the matter.

The jury all tottered out and were beined down stairs by policemen. Then the counsel slowly moved along, assisted by their junior counsel and officers. Then the plaintiff, with tears in his eyes, kissed Mr. Beecher, who kissed Moulton, who venerable procession paced its way step by step

In response to a question, Mr. Evarts said he thought the case, if as well managed as it had been, would last for about a hundred years.

BESSIE TURNER.

A Brooklyn evening paper published yesterday what purported to be a curious revelation, namely, that Bessie Turner, Mr. Tilton's adopted and discarded daughter, was in a penniless and friendless condition, and unable to gain her livelinood. A HERALD reporter called upon assistant pastor Hailiday, of Plymouth church, at his residence in Hicks street, last night, to gain further information about the matter. The reporter stated to Mr. Balliday what his errand was, and the old gentleman appeared to be highly amused at peing interviewed on the subject. The first question asked was, "Is there any truth

in the report about Bessie Turner being in want ?"
"Why, thunder, no!" said Mr. Halliday with one of his most genial smiles. "I saw her two days ago walking with a young man whom I now suppose to have seen the one named in the papers of this evening, and she looked happy and contented. If Bessie Turner wants money to pay for advertiscan have it, and she has plenty of friends who will that it is irksome to her to be without work. She. like the rest of us, must labor for her living. I have to work, and my daughters work, and so should everyoody. You see, the papers have a large space to fill up when there is a halt in the trial, and something has to be written up more or less seasational. I don't think the article ought to have been written, especially the passage wherein it is stated that she had applied for assistance to Mrs. Beecher. The fact is intalled does not know her, and the statement that she rejused Bessie relief is incorrect. If they want you to write something about this thing at the office you can just say 'tnere ain't becass in it.' Bessie lives close round here with a New York merchant whose family intend going to the country on the lst of May, and that's all the risk she runs of being turned out of her home. So you see the subject won't bear much coloring. I told Bessie the other day that I would try and get her employment as a music teacher if I could, she having tangnt while at Steubenville Academy, out that it was very difficult, as there was so much competition. She thinks it hard, and with reason, that she should lose her position in that academy to come on to Brooklyn to give evidence, but it cannot be helped." should everypody. You see, the papers have a

THE POLICE DILEMMA.

MR. HALL'S CHARGES SENT TO THE COMMIS-

SIGNERS FOR EXAMINATION AND REPORT. The members of the Board of Police look upon themselves as entirely free from all blame in the matter of the charges preferred against them by it incumbent on them to enact rules in accordance with the statutes and see that the members of the force carry out those rules. So far as the confinement of the men arrested is concerned, they had nothing to do with it; all such business, they say, being left in the hands of the Superintendent. It was understood yesterday that the Mayor had sent the papers referred to him by Mr. Hall and containing the charges against the Superintendent and Commissioners, to the Board for amination and report. As the Board holds the Superintendent is amenable to them; they have aiready commenced an inquiry into the de-tails of the case. Mr. Walling's defence will be that the necessities of the case demanded the greatest secrecy and care, because if the arrests of the parties became public those who had received the stolen property would be enabled to move away with it. When prisoners are taken pelore magistrates by members of the police force the daily prints notice them, and conceal ment is no longer possible. In the case of Drew, the was discharged because no proof could obtained against him, it is said the Superintendwith the others was justifiable to secure the ends of justice. Drew, according to the testimony being gathered by Superintendent Walling, was in the company of Haurey and Sweeny,

of justice. Drew, according to the testimony being gathered by Superintendent Walling, was in the company of Haurey and sweeny,

AFTER THE ROBBERY

np to the time of the arrests and had shared in the disposition they made of the money. He is known to the police, as they state, as "a bank robber," and has been convicted of crime and served a term in prison. His conduct and associations since his liberation from prison, and for some time before the express robbery, were such as teleating parties in the crime, and so he was arrested with the others. He knew these two men before the erime was committed, kept close with them after, saw the increased condition of their finances and must have known a their hid caused the great difference. For all these reasons Superintendent Walling will plead he was justified in locking up this man, and that he was detained because some time was necessary.

The rule of the department under which the offence Superintendent Walling is charged with comes, inflicts a fine of ten days' pay or dismissal from the force on the officer adjudged guilty; but it is more taan likely in tais case the Board will exonerate the Superintendent and plead justification to the Mayor. Mr. Walling stouily denies that he used any violent kanguage to the ladies who called on him requesting to see the prisoners, or fany words that could at all be construed as offensive. These two ladies visites him on Saturday morning, and as he was then engaged in searching for the stolen property he did not deem it advisable to give them permission to enter the cells. Expecting to hear news each moment that he detectives had discovered the property he desired the incides to return in the course of the afternoon and he would she in all probability do something in the matter—perhaps let them see the prisoners. Superintendent Walling said:—"It is a very dangerous thing to allow prisoners in the structions with fegard to the secretion or removal of property that would entirely put it out of the reach of the police without any o

sent to Court on Monday morning they consider themselves free from censure.

NORODY TO SIAME.

In the midst of all the shitting of responsibility and the endeavoring to help each other out of the disemma, both Mr. Walling and the Commissioners have forgotten Rule No. 42 which reads as follows:

The Superintendent shall report daily to the Board of Poilce whether any person or persons have been head in custody by the po lee force under his command for a longer period than the preceding twenty-four hours, and it there have been, the reasons therein.

and it there have been, the reasons thereior.

The men now charged with the robbery of the express company were arrested by the detectives on Indraday; they were transferred to the Central Office on Friday, and the Superintendent save the Commissioners cally heard about the matter on Sunday, General Duryea received his information from the daily papers, and it is presumed the same was the case with Commissioner Disbecker. When the Commissioners discovered the Superintendent had failed to carry out the rates of the department and his duty in this respect, it became their province to call him to account. In not doing this they become liable to censure.

THE TRANSIT OF VENUS.

SUCCESSFUL OBSERVATION-GRAPHIC DESCRIP TION BY DR. C. H. F. PETERS. [From the Utica Herald, Peb. 12.] QUEENSTOWN, OTAGO, N. Z., Dec. 11, 1874.

My DEAR SIR-The monthly mail leaves to-night for San Francisco, and I cannot let it go without complete success in observing the transit of Venus the day before yesterday. It is a relief after almost a year's anxiety, and I cannot yet quite fully realize our good fortune. At three minutes

past one o'clock, according to computation, if rist contact had to occur. In the morning telegrams dropped in from all parts of the island (the telegraph wires and full apparatus, by disposition of the New Zealand government, being led into our transit house), "raim" here, "clouds?" there, clouds all over New Zealand, clouds also at queentors. I major Paimer, chief of the English party, had escabilished himself at Burnham, some miss from Christburgh, with five branch stations. Lieutenant Crawford, of the southernmost branch station, at eleven o'clock telegraphed:—'All overcast. What hope have you?" I answered:—"Vercast also here, but I do not despair yet. Clouds are tain." But the clouds remained, nevertheless, and other telegrams came—"Raining at Dunedin." "Raining at Siud Harbor," &c. In the meantime we examined our instruments a last time, saw that the clockworks of heliostat for photographers put their glass plates (number of the water supply were rights order, locked built, so as to have a running stream from quote built, so as to have a running stream from quote built, so as to have a running stream from quote built, so as to have a running stream from quote built, so as to have a running stream from quote built, so as to have a running stream from quote built, so as to have a running stream from quote built, so as to have a running the minted of my seat, table, steps, sun curtain, &c., in the equatorial house. The time drew nearer and nearer, but still the clouds were hiding the sun. I must coniess i got a little nervous, I shut myself with the equatorial two minutes yet nutil beginning—and the sun suddenly has gained the victory! It shines out brightly, and remains so for nearly two hours. By order, everybody does his duty silently, from the policeman on waten outside the gate of the enclosure to the rather talk-attive young assistant photographers. So silent is all that in my house, sixty set off, I can distinctly hear there some sunded the photographic siled—every class your set of the photographic si

giad that our efforts have not been in vain, and I am sure that you and all friends at Clinton and Hamitton College will rejoice with me.

I must close now, but shall write to Clinton again from Melbourne, where I shall go about the end of this or the beginning of next month. Farewell, then, with my best regards. Yours, very truly,

C. H. P. PETERS.

RETURN OF PROFESSOR HALL.

WASHINGTON, Feb. 12, 1875. Professor Asaph Hail, chief of the observing party of the transit of Venus at Viadivostock. beria, arrived here and reported his return to the President of the commission, Admiral Davis, this morning. Professor Hall left Yokohama on the 9th of January, in advance of the regular mail steamer, reaching San Francisco after a passage of twenty-one days. He lett in Japan his assistants, Messrs. Rockwell, Ranger, Clark and Gardner, two of whom are probably by this time under appointments to instruct the Japanese. Mr. Gardner was to leave Japan January 29. In this connection it is of interest to note that the Japanese government showed their own practical interest in the astronomical phenomenon by detailing one of their own officers to be present at the observations of the avowed their intention of erecting a national ob-servatory, and have aiready instituted a hydrographical office, at the head of which is Mr. Yan agi, for both of which enterprises they are looking to the United States for astronomical and hydro-graphic assistance. The publications of the Wash-lugton Observatory have been forwarded to Mr.

Professor Hall reports that he secured thirteen Processor Hall reports that he secured thirteen well and distinctly executed negatives of Venus while the planet was in position, having very favorable observation of the first and the second contact. In determining the longitude of his position at Viadivostock he had exchanged several hundred signals with Professor Davidson at Nagasaki. The readers of the Harald must observe the coincidence of these points with the cable despatch which the Harald printed on the 10th of December.

pecember.

Professor Hall met at Yorohama M. Jaussen, the chiel of the French astronomical party, who had succeeded in securing a few good daguerreotypes; for it will be remembered that the French preferred daguerreotypes to photographs for their ob-

ierred daguerreotypes to photographs for their observations.

The French personnel and equipments were of the higuest order, and the party were in high spirits. A Mexicar party were observers of the transit in Yokonama. Of this party Señor Don Diaz Covarubias, of the Mexican Board of Phuble Works, was chief, and Don Manuel Fernandez, late chief of the Tehuantepec survey of 1871, was chief assistant. Their success, however, does not appear to have been large.

We rejoice in the success of every party from which we hear, for as it turns out that at different posts, as was to be expected, unlavorable weather impaired some observations, the success of one party supplements the deficiencies of another.

We rejoice most, very naturally, in the greater success of the Americans.

PIGEON SHOOTING AT MONACO.

The pigeon shooting terminated at Monaco of Thursday, the 28th of January, when the principa runsday, the 28th of January, when the principal event decided was the "Prix de Consolation," for which 42 competitors contended. The first prize was won by Count de Lambertye, who killed all his 14 birds; the second by the Marquis Raymond, with 13; the third by Mr. Arundel Yeo, with 12, and the lourth by Mr. Maskens, with 11. A fowling piece given by the English gunsmith Grant was carried off by Captain Shelley, and a sweepstakes fell to Captain Fane.

. MASONIO ENTERTAINMENT.

The Masonic fraternity will give a grand dramatic entertainment at the Academy of Music, Thursday evening next, the 18th inst., in aid o the fund for the dedication of the New Temple. Some of the prominent members of the Order will appear upon the stage, assisted by many members of the dramatic profession, and the programme promises an ample fund of enjoyment.

RAPID TRANSIT.

The Constitutional Amendments Do Not Forbid a City Railroad.

Opinions of Members of the Constitutional Commission.

THE EXCISE MONEYS AND CHARITIES.

Views of Erastus Brooks, John J. Townsend. G. C. Burdett, B. W. Foster and Lorenzo Morris.

In response to the following circular the communications given below, expressive of the opinions of members of the Constitutional Commission as to the effect of the recent amenaments have been forwarded for publication in the HER ALD:-

HERALD OPPICE, Feb. 1, 1875.

SIR—May I beg a reply from you as a member of the late Constitutional Commission to the follow-

ing inquiries:
Pirst-is there, in your opinion, anything in the First.—is there, in your opinion, anything in the constitutional amendments recently adopted to prohiott such legislation as would enable the city of New York to construct a rapid transit railroad as a public work, and to issue its stock for that surpose, in a manner similar to that followed in the construction of the Central Park, the building of docks, the supply of Croton water, &c.?

Second.—Do the amendments in question prevent the appropriation of the moneys received in New York inrough the sale of excise incenses to charitable institutions, for the aid and support of the city's poor, in accordance with the provisions of existing State laws?

JAMES GORDON BENNETT.

OPINION OF MR. ERASTUS BROOKS. THE CITY CAN CONSTRUCT A RAPID TRANSIT BOAD AND APPROPRIATE THE EXCISE MONEYS TO THE SUSTENANCE OF THE POOR. NEW YORK, Feb. 10, 1875.

TO THE EDITOR OF THE HERALD:-In reply to your inquiry, addressed to me by letter, as a member of the late Constitutional Commission, in my opinion there is nothing in the amended constitution to prohibit she city of New York, under authority of law, "to construct rapid transit railroad, as a public work, and so issue its stock for that purposes." Such a road would for its purpose be as much a public work "as the Central Park, the building of docks, supply of Croton water," &c. The wisdom or expediency of having the city engage in such a work is quite a different question, and one in regard to which any intelligent citizen is capable of giving as correct an opinion as myself. The prohibition imposed by the constitution is that "neither the credit nor the money of the State shall be given or loaned to or in aid of any association, corporation or private undertaking. What the city does, therefore, it must do in and of itself, and for itself, as in the Central Park, for public docks or Croton water, all eminently beneficial to each and every citizen, but in no public sense are they an "associate, corporate or private undertaking."

In reply to your inquiry whether the amend ments "prevent the appropriation of moneys received in New York through the sale of excise ucenses to charitable institutions, for the aid and support of the city's poor, under existing state laws," my answer is, that the constitution does "counties, cities, towns and villages are author-ized by law to make provision for the aid and support of their poor." The amendment (article 8 section 11) expressly declares this. Such amendment, such the deciarations in the general commission and such the very words of the com to prevent the old time State aid for local purposes, which became a great abuse, in appropria-tions for railroads, corporations, associations and private undertakings. Two things, however, and requisite to insure a just interpretation of the article in question. The money or aid given must, in good faith, be to support "the poor," and must be "authorized by law." By no just construction, with these limitations,

can it be said that the constitution repeals existing provisions of law, or that the laws referred to "may be authorized by law," in the constitution, have no more force than "are authorized by law." And if this is not the true construction, then there of the poor, and the absurdity is presented of a constitution that repeals all existing statutes relating to the poor everywhere in the State. 'Hereafter," or "thereafter," are words which, if the framers of the constitution had meant to adopt, they would have inserted in their proper

The sole question to be considered by the proper authorities is, "Who are the poor?" Are they only the general poor under the control of the Board of Charities and Correction? Or are they also the poor who would have to be supported wholly in public institutions if not partially aided supported elsewhere? The mode of support is not for our discussion essential but the fact of thorized by law," and "aid or support" then provided for, when neither age nor sex in persons, debarred from relief.

tution meant, and, in my judgment, it is the only fair or legitimate interpretation of the instrument itself. Very respectfully yours,

ERASTUS BROOKS. VIEWS OF MR. JOHN J. TOWNSEND.

A RAPID TRANSIT BOAD MAY BE CONSTRUCTED BY THE CITY-THE EXCISE LICENSE MONEYS CAN-NOT BE APPROPRIATED FOR THE POOR OF THE TO THE EDITOR OF THE BERALD:-

I save no hesitation in answering the first in quiry in the negative, with the qualification that if the plan of the public work shall involve the construction of a street railroad, the conditions prescribed by the last clause of the eighteenth section of the third article are applicable

I answer the second inquiry in the affirmative. article provides that nothing therein contained shall prevent the county, city, town or village from making such provision for the aid or sup-port of its poor as may be authorized by law, you will perceive, on referring to the first section of chapter 642 of the session. Laws of 1874. that the authority for the appropriation of Excise moneys in New York is in the following lan-guage:—"And, provided further, that all Excise moneys hereafter derived from licenses for the sale of intoxicating liquors by said Commissioners, except as above provided, shall, from time to time, and in sums according to their discretion be appropriated by the Board of Apportionmen Board of Apportionment and Estimate of said city by resolution of the said Board to whatever benevolent, charitable or numane institutions may seem to such Board deserving or proper."

I have no doubt that the limitation expressed in the constitution is inconsistent with and for bids the exercise of the broad discretion conferred JOHN J. TOWNSEND.

No. 76 WALL STREET, Feb. 5, 1875. OPINION OF MR. GEORGE C. BUR-

DETT. SECTION EIGHTEEN OF ARTICLE THREE INTER FERES WITH APPROPRIATIONS FOR RAPID TRANSIT-THE EXCISE MONEYS MAY BE DE-VOTED TO THE POOR.

TO THE EDITOR OF THE HERALD :-In response to your inquiries asking my opinion of certain constitutional amendments adopted by the commission, of which I was a member, permit me to say that, while it would please me to see some measure successfully carried out by which more rand transit much be gained for the busi-

ness interests of your city, I have no doubt that stock might be issued as you indicate, if you can avoid coming in contact with section 18 of article 3. which says :- "The Legislature shall not pass a private or local bill, granting to any corporation; association or individual the right to lay down railroad tracks." I need not indicate to your

Solons how this may be cone.
In regard to excise licenses being appropriated to charitable institutions for the aid and support of the city's poor, the moneys arising therefrom, in my judgment, should be devoted entirely toward the poor fund of the city, as it is here in Troy.

GEORGE C. BURDETT. TROY, N. Y., February 12, 18:5.

VIEWS OF MR. E. W. FOSTER.

TO THE EDITOR OF THE HERALD:—
Yours of the lat is received; I am not a lawyer and therefore would not attempt to give an opinion in answer to the questions proposed by you, excepting as I think it expresses the sense of the commission, and as my own individual belief.

Pirst-I think the amendments were designed to prevent the use of any money raised by taxation for ratiroad purposes; if they fail to do so it will be because the courts may give them a construction or interpretation not contemplated by d-The amendments do not prevent the

use of any public money for charitable purposes in public institutions, but in all private or other institutions under the control of any religious or other organizations I believe the amendments

were designed to be an absolute bar.

POTTSDAM, Feb. 9, 1875. E. W. FOSTER. OPINION OF MR. LORENZO MORRIS.

TO THE EDITOR OF THE HERALD :-To the interrogatories of your circular of Pebruary 1, I answer, to the first, as a public highway for the benefit of the city-"No."

To the second, if the money be applied exelusively to the support or in aid of the city poor, & also answer-"No". LORENZO MORRIS.

THE CITY'S WANT.

PREDONIA, N. Y., Peb. 5, 1875.

DIVERSE VIEWS AMONG PRIENDS AND PRO-MOTERS OF THE IMPROVEMENTS-LEGISLATIVE ORSTACT.ES.

As the HERALD reporter called jesterday here and there upon gentlemen who have taken an interest in the subject of rapid transit, he encountered many variations in feeling as to the probability of a railway for speedy trains being con-structed. There were decided opinions. Some were in favor of the city building and operating such a railroad: others desired a general railroad law, under which capitalists could construct and control it; yet, after all, the enthusiasm inspired by these subjects was expended, and there was generally a glum remark uttered to the effect that the Legislature will not pass a bill that will give the slightest opportunity for the accomplishmens of rapid transit. The most decided in his ut-terance to this effect was Mr. S. E. Church. When the writer called upon him Mr. Church explained the "Act to confer upon the cities of this State power to provide and construct railways for rapid transit," which he has drafted, and copies of which he has presented to the Aldermanic and Assembly committees, and said that the bill has been approved by the Northlarge organizations of uptown real estate owners. the Aldermanic Committee on Rapid Transit, and that body will report in favor of it this week. "But," said he, 'it does not satisfy the Assembly committee, and that body will report against the construction of a rapid transit road by the city. We must play against loaded dice in Albany. The railroad companies of this city run tne Legislature, and I do not think that rapid transit will b aided by that body. My experience of two years in Albany taught me how work is done by the railroad committees. The present Senate committee will crush every project that looks toward a conflict with the interests of existing railway companies. Seikreg, the chairman of the committee, is a ratiroad man; Wagner owns palace cars and runs them on Vanderbilt's roads; Baker is connected with the Rensselaer and Saratoga Railroad. Not is there a better chance for rapid transit in the Assembly. The committee from that body that came to this city may not want to learn the merits of the rapid transit queswant to learn the merits of the rapid transit ques-tion. How could its members inform themselves properly at one session? Evidence of care for the interests of the present railroads may be found in the committee itself. Mr. Seward, one of the members, although a very gentlemanly and hon-orable man, is the representative of Mr. Thurlow Weed. By the latter he was introduced into pol-tics, and he must uphold his patron's interests, it is not strange, then, that, as I am informed by

weed. By the latter be was introduced into politics, and he must uphold his patron's interesta, it is not strange, then, that, as I am informed by Mr. Purroy, the Assembly select committee in tend to report against authorizing the city to build a rapid transit railway. Private capital will not build the railway, and so rapid transit will into build the railway, and so rapid transit will languish."

"Have you any idea. Mr. Church, of how large an interest Mr. Weed has in the city railroads?"

"I have heard," was the answer, "that stock has been given to Mr. Weed by every railway company in this city. Years are the Third, Sixin and Eighth avenue companies, I have heard, gave him stock for his influence in the Legislature, and now the Third and Eighth avenue companies elect him a director to keep his interest in their adairs lively."

"have you any particular scheme for a rapid transit railway, Mr. Church?"

"have not. I did at one time wish to have an arcade or depressed way for four tracks constructed, and I had a bill introduced into the Legislature, declaring that the city might outle a rapid transit railway at a cost of not more than \$20,000,000. It was estimated that an arcade railway would cost \$20,000,000, and I expected that if the bill was passed such a railroad would be constructed. Mr. Chanute, of the Society of Ovvil Engineers, has informed me that an elevated railway cannot be built by private capitalists?"

"Why go you say, Air. Church, that a rapid transit railway cannot be built by private capitalists?"

"I argue from experience. Even now there is that going on which demonstrates what I say to be true. The Greenwich Street Elevated Railroad Company is strengthening its structure, and desires to extend it to Seventy-second sireet. To do this, and make other improvements that will render the road safe from accidents, money is required. Subscription to the necessary fund are now being solicited, the money subscribed to be secured by first mortings seven per cent that railred. Subscription to the nece

TEMPERANCE CONVENTION AT NEW-BURG.

On Monday, February 22, the fourth annual Convention of the Metropolitan Catholic Temperance Union will be held at Newburg, N. Y. As ousiness of vital interest to the temperance cause is to be transacted at this Convention, invitations have been sent to the President and other officers of the Temperance Union o America, officers of the different State unions throughout the country and to all the Catholic clergymen in the dioceses of New York, Brooklyn, Albuny, Rochester and Ogdensburg. All temperance societies in the State not connected with the union are requested to send delegates. The night previous to the Convention a grand demonstration will take place at Newburg, and in order to take part in it the central officers of the union, together with the New York city delegates, will leave the Grand Central depot next Sunday morning an eight o'clock.

NEW JERSEY MANUFACTURES.

The Paterson silk milis are running to their utmost capacity. The Grant Locomotive Works are virtually suspended, and it is probable that they will go into bankruptcy within a week; their ilabilities are about \$800,000. The Rogers Locomotive Works have about 200 men at work and the Dan-Works have about 200 men at work and the Danforth Works are quite busy. The Ivanhoe Paper
Mill is busy. Barbour's Flax Mill is again running
rull time in supplying linen thread for the boot and
shoe trade. But little is doing at the Paterson,
from Works, and the Watson Bridge Works are the
duliest that they have been for a long time. The
Passaic Rolling Mills at Paterson are very busy,
other oranones of industry in Paterson are barely
"jogging along." In Passaic City the two large
canco print works are driven day and night to
their utmost capacity. The Passaic Bleachery is
similarly rushed, and in fact all the factories in
Passaic are busy and on full time, as they have been
all along, with the exception of the works of the
New York Steam Engine Company.